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January 24, 2003

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Commissioner for Patents
Washington, D.C. 20231

Re: U.S. National Phase of PCT/CA00/01150
Appl. No. 10/089,177; § 371 Date: *To Be Determined*
For: **Highly Conserved Genes and Their Use to
Generate Species-Specific, Genus-Specific, Family-
Specific, Group-Specific and Universal Nucleic
Acid Probes and Amplification Primers to Rapidly
Detect and Identify Algal, Archaeal, Bacterial,
Fungal, and Parasitological Microorganisms from
Clinical Specimens for Diagnosis**

Inventors: Bergeron *et al.*
Our Ref: 1619.0090000/SRL/PAJ

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement;
2. Form PTO-1449 (11 pages) listing 121 documents;
3. Document Nos. A through L and 1 through 107; and
4. One return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are

Commissioner for Patents
January 24, 2003
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necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Peter A. Jackman
Attorney for Applicants
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PAJ:aye
Enclosures

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SKGF Rev. 2/15/02 dcw



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BERGERON *et al.*

Appl. No. 10/089,177

§ 371 Date: *To be determined* (Int'l. Filing
Date: September 29, 2000)

For: **Highly Conserved Genes and Their
Use to Generate Species-Specific,
Genus-Specific, Family-Specific,
Group-Specific and Universal
Nucleic Acid Probes and
Amplification Primers to Rapidly
Detect and Identify Algal, Archaeal,
Bacterial, Fungal, and Parasitcal
Microorganisms from Clinical
Specimens for Diagnosis**

Confirmation No. 9698

Art Unit: *To be assigned*

Examiner: *To be assigned*

Atty. Docket: 1619.0090000/SRL/PAJ

Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each document is provided.

In accordance with 37 C.F.R. § 1.98(a)(3) and M.P.E.P § 609 III.A(3), Applicants' undersigned representative submits the following with regard to non-English language document 29 cited on Form PTO 1449:

Document 29 is in the French language. An English language abstract of this document is provided at the beginning of the document.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

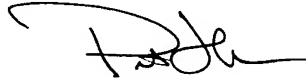
This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

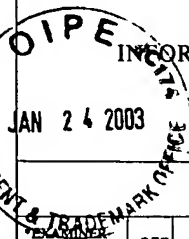
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Date: Jan. 24, 2003

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INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Docket Number (Optional) 1619.0090000/SRL/PAJ	Application Number 10/089,177
Applicant(s) BERGERON, Michel G. et al.	
Filing Date September 28, 2000	Group Art Unit To be assigned

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A	US 5,089,396	02/18/92	Stackebrandt, E. et al.			
	B	US 5,162,199	11/10/92	Stern, A. et al.			
	C	US 5,389,513	02/14/95	Baquero, F. et al.			
	D	US 5,437,978	08/01/95	Ubukata, K. et al.			
	E	US 5,708,160	01/13/98	Goh, Swee Han et al.			
	F	US 5,994,066	11/30/99	Bergeron, Michel G. et al.			
	G	US 6,001,564	12/14/99	Bergeron, Michel G. et al.			

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
	H	WO 92/03455	03/05/92	PCT				
	I	WO 98/20157	05/14/98	PCT				
	J	WO 00/14274	03/16/00	PCT				
	K	EP 0133 288	02/20/85	EUROPE				
	L	EP 0133 671	07/24/91	EUROPE				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

1	Abdulkarim, F. et al., "Homologous Recombination between their Genes of <i>Salmonella typhimurium</i> , " J. Mol. Biol. 260:506-522, Academic Press (1996).
2	Altschul, S.F. et al., "Basic Local Alignment Search Tool," J. Mol. Biol. 215:403-410, Academic Press (1990).

EXAMINER	DATE CONSIDERED
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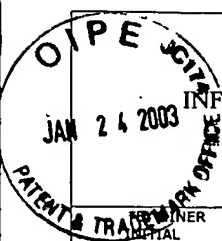
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
	M	EP 0 337 896	07/28/93	EUROPE				
	N	EP 0 466 251	01/15/92	EUROPE				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	3	Amann, R. et al., "β-Subunit of ATP-synthase: a Useful Marker for Studying the Phylogenetic Relationship of Eubacteria," Journal of General Microbiology 134: 2815-2821, Society for General Microbiology (1988).
	4	Anborgh, P. et al., "New antibiotic that acts specifically on the GTP-bound form of elongation factor Tu," The EMBO J., Vol. 10, No. 4: 779-784, IRL Press (1991).

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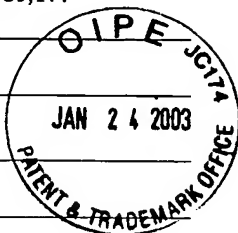
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14	Brenner, D.J. et al., " <i>Enterobacter gergoviae</i> sp. nov.: a New Species of <i>Enterobacteriaceae</i> Found in Clinical Specimens and the Environment," International Journal of Systematic Bacteriology, Vol. 30, No. 1: 1-6, Society for General Microbiology (1980).
15	Brenner, D.J. et al., " <i>Escherichia vulneris</i> : a New Species of <i>Enterobacteriaceae</i> Associated with Human Wounds," Journal of Clinical Microbiology, Vol. 15, No. 6: 1133-1140, American Society for Microbiology (1982).
16	Brenner D.J. et al., "Attempts to Classify <i>Herbicola Group-Enterobacter agglomerans</i> Strains by Deoxyribonucleic Acid Hybridization and Phenotypic Tests," International Journal of Systematic Bacteriology, Vol. 34, No. 1: 4-55, Society for General Microbiology (1984).

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		Applicant(s) BERGERON, Michel G. et al.	
		Filing Date September 28, 2000	Group Art Unit To be assigned



*EXAMINER INITIAL	OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)
17	Brenner, D.J. et al., " <i>Enterobacter asburiae</i> sp. nov., a New Species Found in Clinical Specimens, and Reassignment of <i>Erwinia dissolvens</i> and <i>Erwinia nimipressuralis</i> to the Genus <i>Enterobacter</i> as <i>Enterobacter dissolvens</i> comb. nov. and <i>Enterobacter nimipressuralis</i> comb. nov.," Journal of Clinical Microbiology, Vol. 23, No. 6:114-120, American Society for Microbiology (1986).
18	Brenner, D.J., "Introduction to the Family <i>Enterobacteriaceae</i> ", in Balows, A. et al: "The Prokaryotes, A Handbook on the Biology of Bacteria: Ecophysiology, Isolation, Identification, Applications", 2nd Edition, Vol. III, Chapter 141, p. 2673-2695, Springer-Verlag (1992).
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24	Chiu, N.H.L. et al., "Mass Spectrometry of Nucleic Acids," Clinical Chemistry, 45, No. 9:1578, American Association for Clinical Chemistry (1999).
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26	Cilia, V. et al., "Sequence Heterogeneities Among 16S Ribosomal RNA Sequences, and Their Effect on Phylogenetic Analyses at the Species Level," Mol. Biol. Evol., 13(3): 451-461, Society for Molecular Biology and Evolution (1996).
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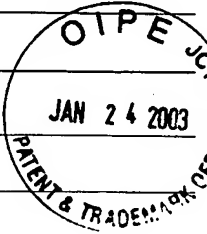
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*EV4 INNER INITIAL	OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
29	Croizé J. (1995), "Les méthodes automatisées d'identification des bactéries à l'aube de 1995," La Lettre de l'Infectiologue, Tome k, No 4:109-113, Vivactis Media & Akao.		
30	Dickey, R.S. et al., "Emended Descriptions of <i>Enterobacter cancerogenus</i> comb. nov. Formerly <i>Erwinia cancerogena</i> ," International Journal of Systematic Bacteriology, Vol. 38, No. 4: 371-374, Society for General Microbiology (1988).		
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37	Farmer J.J. et al., " <i>Escherichia fergusonii</i> and <i>Enterobacter taylorae</i> , Two New Species of <i>Enterobacteriaceae</i> Isolated from Clinical Specimens," Journal of Clinical Microbiology, Vol. 21, No. 1: 77-81, American Society for Microbiology (1985).		
38	Farmer, J.J., "Proposed Rewording of Rule 10C of the Bacteriological Code," International Journal of Systematic Bacteriology, Vol. 35, No. 2, p. 222, Society for General Microbiology (1985).		
39	Filer, D. et al., "Duplication of the <i>tuf</i> Gene, which encodes peptide chain elongation factor, is widespread in gram-negative bacteria," Journal of Bacteriology, Vol. 148, No. 3: 1006-1011, American Society for Microbiology (1981).		
40	Fischer, D. et al., "Predicting structures for genome proteins," Curr. Opin. Struct. Biol. 9: 208-211, Current Biology (1999).		
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*EXAMINER INITIAL	OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
41	Flores N. et al., "Recovery of DNA from Agarose Gels Stained with ethylene Blue," Circle Reader Service No. 138, Vol. 13: 203-5, The Scientist (1992).		
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48	Gupta, R.S. , "Protein Phylogenies and Signature Sequences: A Reappraisal of Evolutionary Relationships among Archaeobacteria, Eubacteria, and Eukaryotes," Microbiology and Molecular Biology Reviews, Vol. 62, No. 4: 1435-1491, American Society for Microbiology (1998).		
49	Anderson, R.C., et al. (1998). "Micro Total Analysis Systems '98," Kluwer Academic Publishers, Dordrecht, The Netherlands, pp. 11-16, 221-224.		
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<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">EXAMINER</td> <td style="width: 50%;">DATE CONSIDERED</td> </tr> </table>		EXAMINER	DATE CONSIDERED
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53	Ibrahim A. et al. (1993). "The phylogeny of the genus <i>Yersinia</i> based on 16S rDNA sequences," FEMS Microbiology Letters 114: 173-178 and correction published in FEMS Microbiology Letters 116 (1994) at page 243, IRL Press.
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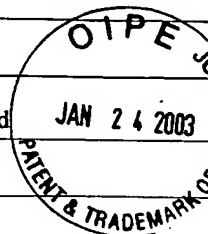
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